

## Remarks

Reconsideration and reexamination of this application are requested. Claims 1-5, 8, 9, 11-17, and 21-23 (with independent claims 1, 11, and 21) are pending.

### Claim Rejections - 35 U.S.C. § 103

The Examiner rejected claims 1-5, 8-9, 11-17, and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over www.biddersedge.com ("Bidder's Edge") in view of www.monster.com ("Monster.com") and in view of Microsoft Computer Dictionary ("MCD"). The Applicant believes that the claimed invention is patentable under 35 U.S.C. § 103(a) over Bidder's Edge in view of Monster.com and in view of MCD.

#### **1. The Claimed Invention**

The claimed invention, as set forth in representative independent claim 1, is directed to auctioning products on a computer network and generally includes:

placing a 1<sup>st</sup> sale identifier indicative of a 1<sup>st</sup> product for sale by a 1<sup>st</sup> seller on a 1<sup>st</sup> auction site hosted on the network by a 1<sup>st</sup> auction site host for a 1<sup>st</sup> auctioneer;

placing a 2<sup>nd</sup> sale identifier indicative of a 2<sup>nd</sup> product for sale by a 2<sup>nd</sup> seller on a 2<sup>nd</sup> auction site hosted on the network by a 2<sup>nd</sup> auction site host for a 2<sup>nd</sup> auctioneer;

placing a desired identifier indicative of a product desired by a buyer on a scan site hosted on the network by a scan site host for a 3<sup>rd</sup> auctioneer;

monitoring the auction sites with the scan site using EDI messaging to compare the identifiers placed on the sites;

determining from the identifier comparison whether the product desired by the buyer is for sale on any of the auction sites by any of the sellers; and

monitoring the scan site with the auction sites using EDI messaging to identify the desired identifier placed on the scan site to enable the sellers to determine the product desired by the buyer.

## **2. Bidder's Edge and Monster.com**

The Examiner posited that Bidder's Edge discloses a method of monitoring a plurality of auction sites for products desired by buyers in which the desired products are entered into a scan site by the buyers. The Examiner indicated that "Bidder's Edge does not teach a method of scanning the database [i.e., the scan site] of desired products from the auction site [i.e., either of the auction sites], in order to determine a product desired by the buyers."

The Examiner posited that Monster.com teaches a job search system where companies (sellers) input jobs (products) that they have available. Job seekers (buyers) enter their resumes to Resume City (scan site) and if a job that meets their requirements is found the job seekers are notified. An HR representative from a company (seller) has access to 'Cruiter (auction site). 'Cruiter (auction site) allows the HR representative to 1) post available jobs (products) and 2) create a profile of the ideal job seeker. 'Cruiter (auction site) uses the profile of the ideal job seeker to search the resumes in Resume City (scan site) and delivers matching resumes to the HR representative. The Examiner further posited that Monster.com teaches that the HR representative is motivated to use 'Cruiter in order to find the matching job seekers quickly and easily.

The Examiner posited that it would have been obvious for sellers (company) to search the scan site (Resume City) of Bidder's Edge in the manner taught by the 'Cruiter feature of Monster.com in order for the sellers to find buyers (job seekers) for their products (jobs) quickly and easily.

The Examiner further noted that whether Resume City and 'Cruiter are hosted on the same network is not relevant as Bidder's Edge teaches cross network searching. As such, the Examiner indicated that the Examiner's reliance on Monster.com is to teach that two-way searching was known. As such, the Examiner asserted that it is reasonable that one of ordinary skill in the art based on the teaching of Monster.com would have known to search the

scan site of Bidder's Edge with the auction sites even though they are hosted on different computer networks.

**3. The Claimed Invention Compared to Bidder's Edge, Monster.com**

Bidder's Edge does not teach or suggest monitoring a scan site indicating a product desired by a buyer with an auction site in order to enable a seller to determine the product desired by the buyer. As such, Bidder's Edge does not teach or suggest monitoring the scan site with two or more auction sites in order to enable two or more sellers to determine the product desired by the buyer.

The Applicant understands Monster.com as generally providing a jobs database ('Cruiter, i.e., auction site) and a resumes database (Resume City, i.e., scan site). 'Cruiter (auction site) enables companies to post jobs and Resume City (scan site) enables job seekers to post resumes. The Examiner relies on Monster.com to teach that two-way searching was known to one of ordinary skill in the art at the time of the present invention. In this regard, the Examiner posited that 'Cruiter (auction site) searches the resumes in Resume City (scan site). Hence, this is one-way searching in that 'Cruiter (auction site) searches Resume City (scan site). As noted above, Bidder's Edge teaches one-way searching in that a scan site monitors auction sites.

The Examiner further posited that job seekers enter their qualifications/resumes to Resume City (scan site) and if a job that meets their requirements is found they are notified. This implies that the job seeker's qualification/resumes entered into Resume City (scan site) are being used to search the jobs database (auction site). The Applicant believes that the qualification/resumes entered into Resume City (scan site) are not used to search the jobs database (auction site). That is, the job seekers do not use Resume City (scan site) at all when searching the jobs database (auction site). Rather, the job seekers enter search terms to search the jobs database (auction site) and whether the job seekers enter their qualifications/resumes

to Resume City (scan site) is irrelevant. Hence, this is one-way searching in that the jobs database (auction site) is searched via the use of search terms.

As such, Monster.com does not teach or suggest two way searching in which an auction site ('Cruiter) searches a scan site (Resume City) and the scan site (Resume City) searches the auction site ('Cruiter). In contrast, Monster.com teaches two one-way searches: 1) an auction site ('Cruiter) searching a scan site (Resume City); and 2) the auction site ('Cruiter) being searched via the use of search terms irrespective of Resume City.

The claimed invention involves two-way searching in that a scan site searches two auction sites and the two auction sites search the scan site. Bidder's Edge teaches one of the two-way searches, namely, a scan site searching two auction sites. The Examiner posited that Monster.com teaches the other one of the two-way searches, namely, an auction site ('Cruiter) searching the scan site (Resume City). Monster.com teaches an auction site ('Cruiter) searching a scan site (Resume City) and does not teach or suggest auction sites searching the scan site. More importantly, Monster.com teaches one-way searching from a site of a first type (e.g., 'Cruiter) to a site of a second type (e.g, Resume City) and one-way searching of the site of the first type (e.g., 'Cruiter) irrespective of the site of the second type (Resume City) and does not teach or suggest two-way searching between two sites of different types as claimed.

Accordingly, Monster.com teaches nothing more than what is taught by Bidder's Edge (i.e., one way searching of a first site of one type to a second site of a different type). As such, there is no motivation to modify Bidder's Edge with Monster.com in the manner as suggested by the Examiner because both teach one way searching of a first site of one type to a second site of a different type. Further, the Applicant posits that the scan site (Resume City) of Monster.com is an auction site (as claimed) in that sellers (i.e, job seekers) post their resumes (identifiers indicative of products for sale) to Resume City and that the auction site ('Cruiter) of Monster.com is a scan site (as claimed) in that buyers (i.e., companies) post ideal job candidates (identifiers indicative of desired products) to 'Cruiter. As such, there would

be no motivation to modify Bidder's Edge with Monster.com because, especially in this case, both teach one-way searching of auction sites (e.g., Resume City) by a scan site (e.g., 'Cruiter).

In view of the foregoing, the Applicant respectfully submits that independent claims 1, 11, and 21 are patentable under 35 U.S.C. § 103(a) over Bidder's Edge in view of Monster.com and in further view of MCD. Claims 2-5, 8-9, 12-17, and 22-23 depend from one of independent claims 1, 11, and 21 and include the limitations therein. Thus, the Applicant respectfully requests reconsideration and withdrawal of the rejection to the claims under 35 U.S.C. § 103(a).

#### CONCLUSION

In summary, claims 1-5, 8-9, 11-17, and 21-23 meet the substantive requirements for patentability. The case is in appropriate condition for allowance. Accordingly, such action is respectfully requested.

If a telephone or video conference would expedite allowance or resolve any further questions, such a conference is invited at the convenience of the Examiner.

Respectfully submitted,

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